



Helping 501(c)(3) organizations with charitable contributions (a primer)

Exempt Organizations



Slide presentation

- To access slide presentation, go to the IRS Charities and Nonprofits webpage, click on Calendar or Events and access the Phone Forums page
- 2. Or go directly to directly the phone forums page via: www.irs.gov/Charities-&-Non-Profits/Phone-Forums-Exempt-Organizations



Preliminaries

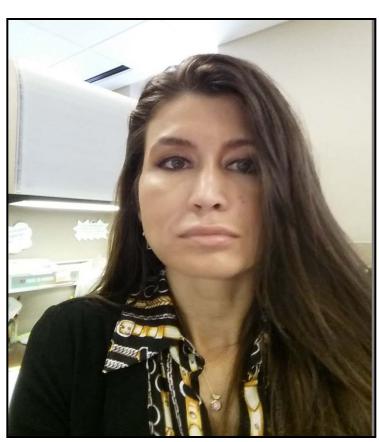
- Presentation will be posted on the phone forums page in three weeks
- 1 CE credit = at least 50 minutes
- Certificates emailed in three weeks
- No live questions
- Send questions to <u>tege.eo.ceo@irs.gov</u>
- Answers will be posted in 3 weeks



Today's presenters



Ellen Berick



La Vonne Fischer



Agenda topics

- Examples of a qualified/nonqualified organization
- Charitable donations allowed by the IRS
- Acceptable non-cash contributions
- Vehicle donation rules
- Required written acknowledgement for donation
- When significant intervening use applies
- Donors' recordkeeping responsibilities
- Disaster relief summary



What's a charitable contribution?

A donation or gift to, or for the use of, a qualified organization that is voluntary and made without getting, or expecting to get, anything of equal value.



Qualified Organizations

- 1. Any 501(c)(3) is a qualified organization
- It must be organized and operated only for charitable, religious, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals
- Certain organizations that foster national or international amateur sports competition also qualify



Examples

- Churches, synagogues, temples, mosques, and other religious organizations
- Federal, state, and local governments



- Nonprofit schools and hospitals
- War veterans groups
- Expenses paid for a sponsored student living with you



Non-qualified organizations

- Civic leagues, social and sports clubs, labor unions
- Foreign organizations
- Groups operated for personal profit



- Homeowners' associations
- Individuals
- Political groups or candidates for public office
- Employee association



Types of charitable contributions

- If an organization is a qualified organization, it can receive contributions of money or property
- A contribution can't be set aside for use by a specific person
- Under federal law, an existing qualified organization generally must be given full control and authority over the use of donated funds

Note: The value of a person's time or services is not deductible.



Fair Market Value

- Fair market value (FMV) is the price at which property would change hands between a buyer and a seller – neither being forced to buy or sell and both having reasonable knowledge of all the necessary facts
- The donor's basis in property is generally what he or she paid for it. It is to be considered along with the FMV of an item when determining one's deduction



Examples – Depreciable property

Property that depreciates in value:

- Clothing
- Furniture
- Appliances
- Cars





Ordinary Income Property

For income tax purposes, ordinary income property is property for which donors would have recognized ordinary income or short-term capital gain had they sold it at FMV on the date it was contributed

Examples include:

- inventory,
- works of art created by the donor,
- manuscripts prepared by the donor, and
- capital assets held for one year or less



Example



The donor donates stock held for five months to your church. The FMV of the stock at time of donation is \$1,000, but the donor paid only \$800. Because the \$200 of appreciation would be short-term capital gain if the donor sold the stock, the donor's deduction is limited to \$800 (FMV minus appreciation)



Capital gain property/assets

- For income tax purposes, capital gain property is property/assets for which donors would have recognized long-term capital gain had they sold it at FMV on the date of the contribution
- Capital gain property includes capital assets held for more than one year
- Capital gain property includes most items of property that donors own and use for personal purposes or investment



Examples

- Stocks/bonds
- Jewelry
- Coin or stamp collections
- Collectible cars
- Furniture









Capital gain property/value

- Donors may deduct the FMV for a contribution of capital gain property
- In certain situations, the contribution must be reduced by the amount that would have been long term capital gain if the property had been sold at its fair market value.
- Please see Capital Gain Property in Publication 526 for an expanded list of these situations.



50% limit organization

- A 50% limit organization is one in which a donor may deduct contributions of up to 50% of the donor's adjusted gross income.
- An organization will be able to tell the donor whether it is a 50% limit organization.
- The tax rules reduce the amount of deduction allowed for capital gain property.

Tax

Profit



20%, 30% and 50% limits



- A donor may not deduct more than 50% of his adjusted gross income to 50% limit organizations for the taxable year
- A separate 30% limitation applies to contributions to all qualified organizations that aren't 50% limit organizations
- A 20% limit applies to all contributions of capital gain property to or for the use of qualified organizations that are not 50% limit organizations
- Please see Publication 526 for further information



More on special 30% limit

- 1. The special 30% limit for capital gain property is separate from the other 30% limit
- 2. The deduction of a contribution subject to one 30% limit does not reduce the amount donors can deduct for contributions subject to the other 30% limit
- 3. The total you deduct can't be more than 50% of your adjusted gross income



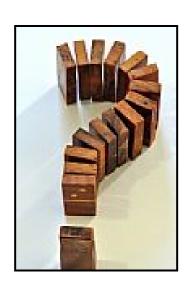
Example: Capital gain property

- The donor's adjusted gross income is \$50K. During the year, the donor gave capital gain property with a FMV of \$15K to a 50% limit organization
- The donor chooses not to reduce the property's FMV by its appreciation in value. The donor also gave \$10K cash to a qualified organization that is not a 50% limit organization
- The \$15K contribution of property is subject to the special 30% limit. The \$10K cash contribution is subject to the other 30% limit
- Both contributions are fully deductible because neither is more than the 30% limit that applies (\$15K in each case) and together they are not more than the 50% limit (\$25K)



Question

How can I determine if my entity is a 50% limit organization?





Answer

- You should be able to determine whether you're a 50% limit organization from your Determination Letter. You can also call the IRS's toll-free line at 1-877-829-5500 to find out if your organization is a 50% limit organization.
- You don't have to issue a written acknowledgement if your organization receives contributions, services or goods from another tax-exempt organization.
- The value of a person's time or services is not deductible.



Value exceeding donor benefit

Example

Donor pays \$65 for a ticket to a dinner dance at a church. The entire \$65 payment goes to the church. The ticket to the dinner dance has a FMV of \$25. The donor is aware that the ticket's value is less than the payment. The church must state the value of the dinner on the ticket or by other written means in order for the donor to correctly deduct subtract the value of the benefit received (\$25) from the total payment (\$65). The donor can deduct \$40 as a charitable contribution to the church.



Questions

In our example on slide 25, the FMV of the \$65 dinner/dance ticket was \$25.

- What factors should the charity use to determine the FMV?
- If the food and entertainment are donated – with no direct cost to the organization – can the entire payment be deductible?



Answer

If a catering company donates services and goods to your organization, it is different transaction from patrons attending the event.

- Investigate what the fair market value of the catering company's services and goods donated to you and use that to establish how much of your ticket price is deductible and the amount attributed to your event
- Services and goods donated to your organization bear no relationship to fair market value of the sponsored events with a charitable component



Value exceeding donor benefit

Example

The donor pays \$40 to see a special showing of a movie for the benefit of a qualified organization. Printed on the ticket is "Contribution—\$40." If the regular price for the movie is \$8, the charity must disclosed the contribution is \$32 (\$40 payment - \$8 regular price).



Contribution equal/donor's benefit

Example

At a fundraising auction conducted by a charity, the donor pays \$600 for a week's stay at a beach house. The amount paid is no more than the fair rental value. The donor has not made a deductible charitable contribution.



Donating clothing, household items

- A donor can contribute property to a qualified organization
- A donor can't take a deduction for clothing or household items unless the clothing or household items are in good used condition or better
- Exception: A donor can take a deduction for a contribution of an item of clothing or a household item that is not in good used condition or better if the FMV deducted is more than \$500 and includes a qualified appraisal



Car and truck donations

- Accepting car and truck donations has become a common way for charities to raise funds
- Many charities accept donations of used cars and trucks as part of their fundraising activities
- Rules for how much a donor can deduct and the reporting and recordkeeping requirements have changed
- Reporting requirements involve what the charity does with the vehicle, and its claimed value



Vehicle donation program (by agent)

Guidelines:

- Establish an agency relationship with the for-profit entity for the charity's benefit
- Charity should maintain program oversight
- Charity should review all contracts, establish rules of conduct, choose or change program operators, approve/change advertising
- Charity should examine the program's books and records



Charity vehicles sold by a for-profit

- Charity receives either a flat fee or a percentage of the proceeds from the sale of the vehicles
- Charity has no control over the for-profit entity's activities
- Donors' contributions (transfers) are made to the for-profit entity and not to the charity
- Charity cannot license its right to receive tax-deductible contributions



Good advice

Remember, a charity can't license its right to receive tax-deductible contributions. The for-profit entity and the charity must not mislead the public by stating that contributions may be deductible (for example, by providing a written acknowledgment that the "contribution" is deductible).



Contemporaneous acknowledgement

Charity is required to provide a contemporaneous written acknowledgment to the donor, such as Form 1098-C, Contributions of Motor Vehicles, Boats, and Airplanes.

All acknowledgments must include:

- Donor's name and taxpayer identification number
- Vehicle identification number
- Date of the contribution



Vehicle for \$500-plus by charity

The written acknowledgement must include:

- Statement certifying the vehicle was sold in an arm's length transaction between unrelated parties
- Date the vehicle was sold
- Gross proceeds received from the sale
- Statement the donor's deduction may not exceed the gross proceeds from the sale



Written acknowledgement

- Statement that no goods or services were provided by the charity in return for the donation
- Description and good faith estimate of the value of goods or services, if any, that the charity provided in return for the donation



Significant intervening use

- To qualify as significant intervening use, the charity must use the vehicle to substantially further its regularly conducted charitable activities – and the use must be considerable
- There is no significant intervening use if the charity's use is incidental or not intended at the time of the contribution



Written acknowledgment

- A statement certifying the charity intends to make a significant intervening use of the donated vehicle
- Detailed statement of the intended use
- Detailed statement of the duration of that use
- Certification the vehicle will not be sold before completion of the use



Examples

- An individual donates a used van to a charity that delivers meals to needy individuals. The charity only uses the vehicle a few times to deliver meals and then sells the vehicle. Because the charity's use was infrequent and incidental, it does not qualify as significant intervening use.
- 2. The charity uses the van to deliver meals every day for one year. This use qualifies because it is significant and substantially furthers the charity's regularly conducted activity of delivering meals to needy individuals.



Improvement of vehicle's value

- A statement charity intends to improve donated vehicle
- Detailed description of the intended material improvement
- Certification the vehicle will not be sold before completion of the improvement



What improvements do not include

- Routine maintenance & cleaning
- Minor repairs
- Paint or other types of finishes (such as rust proofing or wax)
- Removal of dents and scratches
- Cleaning or repair of upholstery
- Installation of theft deterrent devices



Giving/selling vehicle to needy person

- The charity intends to give or sell the vehicle to a needy individual at a price significantly below FMV
- The gift or sale underscores the charity's charitable purpose of relieving the poor and distressed





Non charitable contributions

- A contribution to a specific individual
- A contribution to a nonqualified organization
- Part of a contribution from which the donor received or expected to receive a benefit
- Value of contributed time or services
- Donor's personal expenses
- Qualified charitable distribution from an IRA
- Appraisal fees
- Certain contributions of partial interests in property



Recordkeeping

- Cash contributions
- Noncash contributions
- Out of pocket expenses when donating services



Cash contributions

A donor can't deduct a cash contribution unless the donor keeps one of the following:

- A bank record showing the name of the qualified organization, date, and amount of the contribution
- A receipt from the qualified organization showing the name of the organization, date, and amount of the contribution
- Payroll deduction records, such as pay stub,
 Form W-2, or pledge card



Noncash contributions

For a contribution not made in cash, the records a donor must keep depend on whether the donor's deduction for the contribution is:

- Less than \$250
- At least \$250, but not more than \$500
- Deductions over \$500 but not over \$5000
- Deductions over \$5000





Non-cash contributions < \$250

- 1. Name of the charitable organization
- Date and location of the charitable contribution
- 3. A reasonably detailed description of the property





Deductions > \$250, less than \$500

- The acknowledgment must contain the information in items (1) through (3) under deductions
- The acknowledgment must be in writing
- It must include:
 - a. Description
 - b. Any goods/services



c. Description and good faith estimate

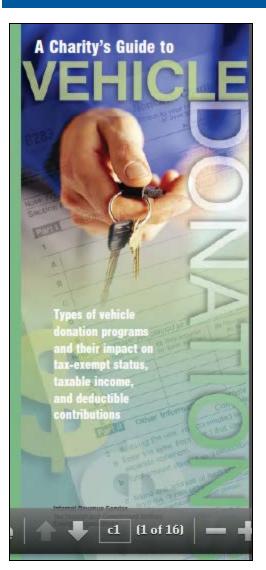


Deductions over \$5,000

- If the donor claims a deduction of more than \$5,000 for a contribution of one item or of a group of similar items, the donor must have the acknowledgment and written records
- The donor must also obtain a qualified appraisal of the donated property
- See deductions of more than \$5,000 in Publication 561



Publications on car donations



- Publication 4302, A
 Charity's Guide to Car
 Donations
- Publication 4303, A
 Donor's Guide to Car
 Donations
- Both are available on IRS.gov under the Forms & Pubs section



Insubstantial goods and services

- FMV of the benefits received does not exceed the lesser of 2% of the payment or \$102
- The payment is at least \$51, the only items provided bear the organization's name or logo and the cost of these items is \$10.20.
- Free, unordered low-cost articles are considered insubstantial.





Insubstantial membership benefit

- Free or discounted admissions to the charitable organization's facilities or events
- Discounts on purchases from the organization's gift shop
- Free or discounted parking
- Free or discounted admission to member-only events sponsored by an organization, where a per-person cost (not including overhead) is within the "low-cost articles" limits



Religious benefits exception

- If a religious organization provides only "intangible religious benefits" to a contributor, the acknowledgment does not need to describe or value those benefits
- Intangible religious benefits are provided by a tax-exempt organization operated exclusively for religious purposes, and aren't usually sold in commercial transactions outside a donation (gift) context



Examples

- Admission to a religious ceremony and a de minimis tangible benefit, such as wine used in a religious ceremony
- Benefits that are not intangible religious benefits include education leading to a recognized degree, travel services, and consumer goods



Charitable contribution resources

- For information on applying for taxexemption, go to Applying for Tax Exempt Status on irs.gov
- For specific information on disaster relief, get a copy of Publication 3833 via the Forms & Pubs page on IRS.gov

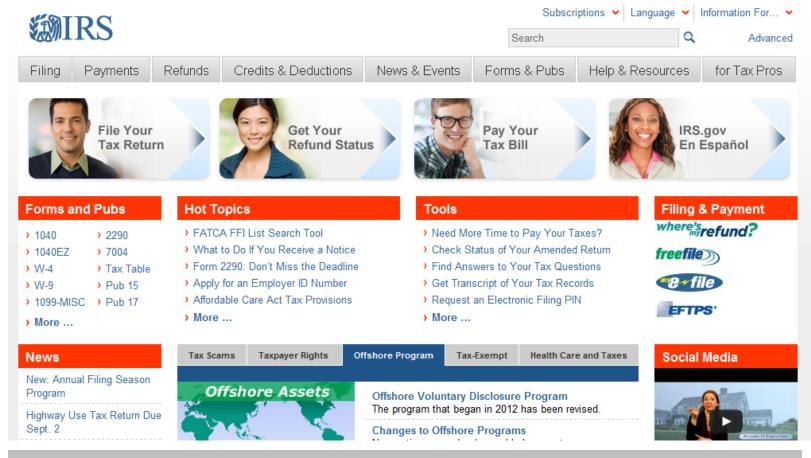


More resources

- www.irs.gov/Charities-&-Non-Profits
- www.stayexempt.irs.gov/
- www.irs.gov/Charities-&-Non-Profits/Publications-and-Notices-for-Exempt-Organizations, which include:
- 1. Publication 526, Charitable Contributions, www.irs.gov/pub/irs-pdf/p526.pdf
- 2. Publication 1771, Charitable Organizations: Substantiation and Disclosure Requirements, www.irs.gov/pub/irs-pdf/p1771.pdf.



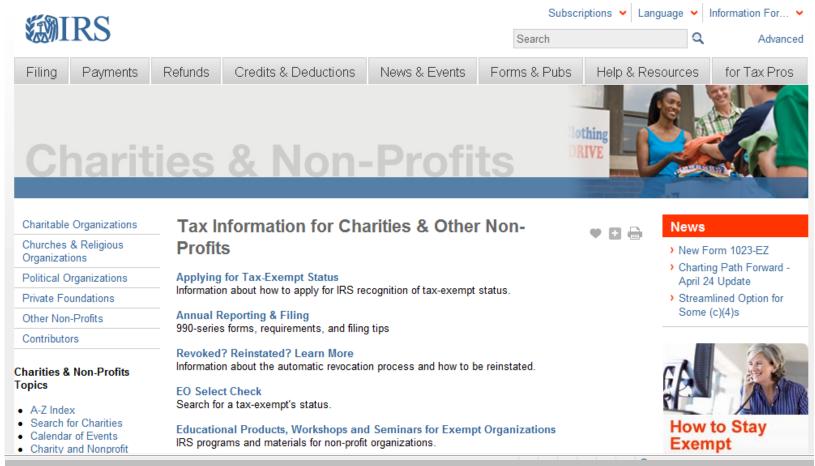
IRS Website



The IRS website contains a wealth of information for individuals, businesses and tax professionals.



Charities & Non-Profits



You can also use the web address www.irs.gov/charities typed directly into your browser's address window to access this page.



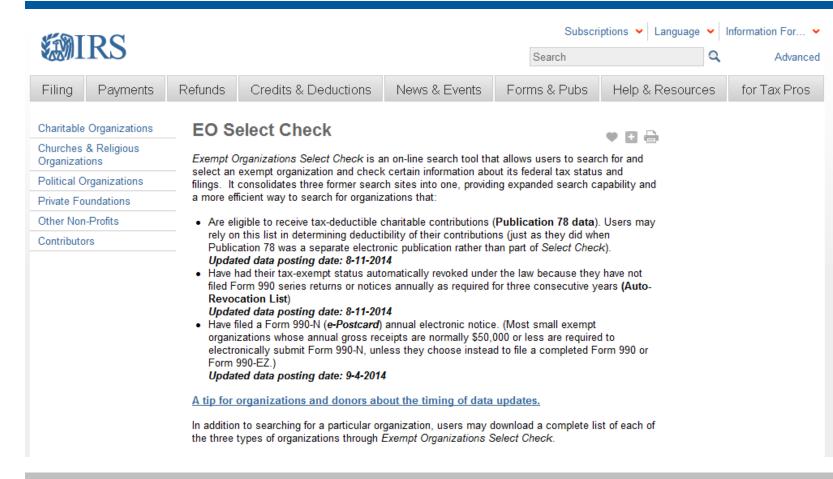
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A-Z Site Index is one of our most helpful navigation pages.



EO Select Check



EO Select Check is a one-stop page to search, sort, select and check information on certain types of exempt organizations.



EO Select Check databases



Exempt Organizations Select Check Home

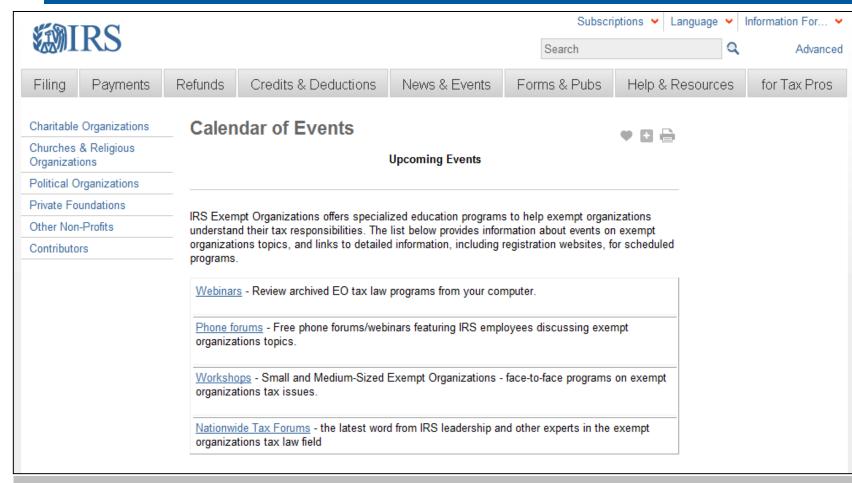
- Exempt Organizations Select Check 1. Organizations engine to receive tax-deductible charitable continuutions (Mub. 75 data),
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 - 3. Form 990-N (e-Postcard) filers and filings.

Are eligible to receive tax-deductible charitable contributions Were automatically revoked Have filed Form 990-N (e-Postcard) Limit search to organizations that (select only one): Note: To search for other information on the IRS website, please use the site search located on the top right of your screen.

There are three databases on EO Select Check.



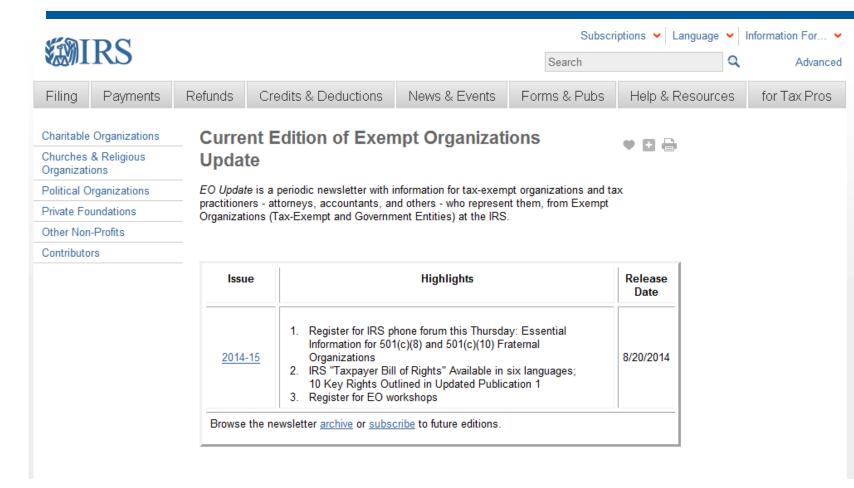
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